

CGRFA/TTLE-ABS-1/14/Report

COMMISSION ON GENETIC RESOURCES FOR
FOOD AND AGRICULTURE

First Session of the Team of Technical and Legal Experts on Access and Benefit- Sharing

Rome, Italy, 8 – 11 July 2014



**Food and Agriculture Organization
of the United Nations**

**REPORT OF THE TEAM OF TECHNICAL AND LEGAL EXPERTS ON
ACCESS AND BENEFIT-SHARING**

First Session

Rome, Italy, 8 - 11 July 2014

The documents of the First Session of the
Team of Technical and Legal Experts on Access and Benefit-Sharing
are to be found on the internet at:
<http://www.fao.org/nr/cgrfa/cgrfa-meetings/abs/ttle/en/>

They may also be obtained from:

The Secretary
Commission on Genetic Resources for Food and Agriculture
Food and Agriculture Organization of the United Nations
Viale delle Terme di Caracalla
00153 Rome, Italy
E-mail: cgrfa@fao.org

The designations employed and the presentation of material in this publication do not imply the expression of any opinion whatsoever on the part of the Food and Agriculture Organization of the United Nations concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

CONTENTS

	<i>Paragraphs</i>
I. Opening of the session	1
II. Election of Chair, Vice-Chair and <i>Rapporteur</i>	2 - 4
III. Adoption of the agenda	5
IV. Preparation of the meetings with the intergovernmental technical working groups	6 - 9
V. Meetings with the intergovernmental technical working groups	10 - 11
VI. Working Group outputs and review of Draft Elements	12 - 13
VII. Organization of future work	14 - 15

Appendices

- A. Agenda of the First Session of the Team of Technical and Legal Experts on Access and Benefit-Sharing
- B. List of experts and observers
- C. List of documents

I. OPENING OF THE SESSION

1. The First Session of the Team of Technical and Legal Experts on Access and Benefit-Sharing (ABS Expert Team) was held in Rome from 8 to 11 July 2014. The list of experts and observers attending the session is given in *Appendix B*.

II. ELECTION OF CHAIR, VICE-CHAIR AND *RAPPORTEUR*

2. Ms Elzbieta Martyniuk (Poland), Vice-Chair of the Commission on Genetic Resources for Food and Agriculture, welcomed participants and called for the election of the Chair, Vice-Chair and the *Rapporteur*. The ABS Expert Team elected Mr Javad Mozafari Hashjin (Near East) as Chair of the ABS Expert Team. Mr François Pythoud (Europe) was elected as Vice-Chair and Ms Chutima Ratanasatien (Asia) was elected *Rapporteur*.

3. The Chair thanked the ABS Expert Team for the confidence it placed in him. He recalled the Commission's previous work on access and benefit-sharing, including the work of the Ad Hoc Technical Working Group on Access and Benefit-Sharing for Genetic Resources for Food and Agriculture that had met in Longyearbyen (Svalbard), Norway, from 11 to 13 September 2012 and the Commission's subsequent decision to establish the ABS Expert Team at its last session.

4. The Chair stressed the importance of the task of the ABS Expert Team in light of the coming into force of the *Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity* (Protocol). He recalled that the Protocol recognizes the special nature of agricultural biodiversity, its distinctive features and problems needing distinctive solutions.

III. ADOPTION OF THE AGENDA

5. The ABS Expert Team adopted the Agenda, as given in *Appendix A*.

IV. PREPARATION OF THE MEETINGS WITH THE INTERGOVERNMENTAL TECHNICAL WORKING GROUPS

6. In preparing for its meetings with the Commission's intergovernmental technical working groups, the ABS Expert Team, recalled the mandate given to it by the Commission. The Commission had mandated the ABS Expert Team to:

- Coordinate, with the assistance of the Secretariat, by electronic means as appropriate, to help prepare the intergovernmental technical working group meetings, and based on input from their regions prepare written materials and propose guidance for the intergovernmental technical working groups;
- Participate in the relevant portions of the meetings of the intergovernmental technical working groups, to help inform and shape the intergovernmental technical working group discussions and output on access and benefit-sharing; and
- Work after each Intergovernmental Technical Working Group meeting with the Secretariat to compile the intergovernmental technical working group outputs into *Draft Elements to Facilitate the Domestic Implementation of Access and Benefit-Sharing for Different Subsectors of Genetic Resources for Food and Agriculture* (Draft Elements), and communicate the Draft Elements to their regions for information.

7. The ABS Expert Team recalled its involvement in the preparation of the documents, *Access and benefit-sharing and forest genetic resources*¹, and, *Access and benefit-sharing and plant genetic resources*², which had been circulated to the members of the ABS Expert Team, for review, prior to their publication. It noted that the Commission had requested the members of the ABS Expert Team to participate in relevant portions of the meetings of the intergovernmental technical working groups and to compile the outputs of the working groups into the Draft Elements.

8. The ABS Expert Team took note of the Commission's request to build its work on:

- *Government submissions on the conditions under which specific GRFA are exchanged and utilized, for the Commission to take a decision on the collection of model contractual clauses for subsectors;*³
- *Stakeholder submissions on voluntary codes of conduct, guidelines and best practices, and/or standards in relation to access and benefit-sharing for all subsectors of genetic resources for food and agriculture;*⁴
- *Explanatory notes to the distinctive features of genetic resources for food and agriculture;*⁵
- *International practices, initiatives and instruments of relevance to the subsectors of genetic resources for food and agriculture*⁶.

9. The ABS Expert Team took note of the Commission's request to the ABS Expert Team to collaborate closely with the Secretariat with regard to subsectors where no intergovernmental technical working groups have been established, to identify exchange and use conditions and existing codes of conduct, guidelines and best practices, and/or standards in relation to access and benefit-sharing. The ABS Expert Team requested FAO to invite governments and stakeholders to make additional submissions, as referred to in bullets 1 and 2 of paragraph 8 of this report, and to make submissions available to the ABS Expert Team.

V. MEETINGS WITH THE INTERGOVERNMENTAL TECHNICAL WORKING GROUPS

10. The ABS Expert Team participated in dedicated portions of the Third Session of the Commission's Intergovernmental Technical Working Group on Forest Genetic Resources, held from 7 to 9 July 2014, and of the Seventh Session of the Intergovernmental Technical Working Group on Plant Genetic Resources for Food and Agriculture, held from 9 to 11 July 2014, to help inform and shape the working group discussions and output on access and benefit-sharing. The joint sessions were co-chaired by the Chair of the ABS Expert Team and the Chair of the Working Group on Forest Genetic Resources, Mr. Pierre Nicolas Stephane Bouillon (France) and the Chair of the Working Group on Plant Genetic Resources, Mr. Luis Salaires (Spain), respectively.

11. Ms Kathryn Garforth, Secretariat of the Convention on Biological Diversity provided in both joint sessions information on the Nagoya Protocol. Mr Kent Nnadozie, Secretariat of the International Treaty on Plant Genetic Resources for Food and Agriculture (Treaty), gave an overview of the Treaty, including the on-going process under the Treaty to enhance the functioning of the Multilateral System of Access and Benefit-Sharing.

¹ CGRFA/TTLE/ABS-1/14/2 Rev.1.

² CGRFA/TTLE/ABS-1/14/3.

³ CGRFA/TTLE-ABS-1/14/Inf.2.

⁴ CGRFA/TTLE-ABS-1/14/Inf.3. Rev.1.

⁵ CGRFA/TTLE-ABS-1/14/Inf.4.

⁶ CGRFA/TTLE-ABS-1/14/Inf.5. Rev.1.

VI. WORKING GROUP OUTPUTS AND REVIEW OF DRAFT ELEMENTS

12. The ABS Expert Team took note of the outputs of the joint sessions with the working groups and agreed to consider them when reviewing the Draft Elements.

13. The ABS Expert Team considered the document, *Preparation of Draft Elements to Facilitate Domestic Implementation of Access and Benefit-Sharing for Different Subsectors of Genetic Resources for Food and Agriculture*⁷. It reviewed the draft preliminary structure of the Draft Elements contained in the Annex to the above document, discussed changes and requested the Secretariat to revise the Draft Elements accordingly, for review by the ABS Expert Team at its second session.

VII. ORGANIZATION OF FUTURE WORK

14. The ABS Expert Team requested the Secretariat to provide the Revised Draft Elements by 15 September 2014 at the latest to all experts of the Team, to allow them to communicate the Revised Draft Elements to their regions for information. It further agreed that comments on the Revised Draft Elements would be made available to the Secretariat by 1 November 2014 and requested the Secretariat to circulate the comments as soon as possible, for review by the ABS Expert Team at its second session.

15. The second session of the ABS Expert Team will be held from 27 to 30 November 2014 in Rome at FAO headquarters.

⁷ CGRFA/TTLE-ABS-1/14/4.

APPENDIX A

AGENDA OF THE FIRST SESSION OF THE TEAM OF TECHNICAL AND LEGAL EXPERTS ON ACCESS AND BENEFIT-SHARING

1. Election of Chair, Vice-Chair(s) and *Rapporteur*
2. Adoption of the agenda and time-table
3. Preparation of the meetings with the Intergovernmental Technical Working Groups

4. Meeting with the Intergovernmental Technical Working Group on Forest Genetic Resources
5. Compilation of outputs

6. Meeting with the Intergovernmental Technical Working Group on Plant Genetic Resources for Food and Agriculture
7. Compilation of outputs

8. Organization of future work
9. Any other matters
10. Adoption of the Report

APPENDIX B

LIST OF EXPERTS AND OBSERVERS

EXPERTS

Africa

Mr Gemedo DALLE TUSSIE
 Director-General
 Institute of Biodiversity Conservation
 P.O.Box 30726
 Addis Ababa
 Ethiopia
 Phone: +251 911887041
 Email: gemedod@ibc.gov.et;
gemedod@yahoo.com

Mr Pierre DU PLESSIS
 Senior Consultant
 Ministry of Environment and Tourism
 CRIAA SA-DC
 P.O.Box 23778
 Windhoek
 Namibia
 Email: pierre.sadc@gmail.com

Asia

Ms Chutima RATANASATIEN
 Senior Agricultural Scientist
 Plant Variety Protection Office
 Department of Agriculture
 Ministry of Agriculture and Cooperatives
 Phochakorn Building
 50 Phaholyothin Road, Ladyao, Chatuchak
 10900 Bangkok
 Thailand
 Phone: +66-2-940-7214
 Fax: +66-2-940-7214
 Email: chutima_ratanasatien@yahoo.com

Mr Gurdial SINGH NIJAR
 Professor
 Faculty of Law
 University of Malaya
 Centre Of Excellence For Biodiversity Law
 (CEBLAW)
 Kuala Lumpur 50603
 Malaysia
 Phone: +603-7967 6579 / 6580
 Fax: +603-7967 6582
 Email: director.ceblaw@um.edu.my;
nijar46@hotmail.com

Europe

Ms Elzbieta MARTYNIUK
 National Research Institute of Animal
 Production
 30, Wspolna Street
 00-930 Warsaw
 Poland
 Phone: +48 226231714
 Fax: +48 226231056
 Email: elzbieta_martyniuk@sggw.pl

M. François PYTHOUD
 Responsable du Secteur Agriculture
 Durable Internationale
 Office Fédéral de l'Agriculture
 Mattenhofstrasse 5
 CH-3003 Berne
 Switzerland
 Phone: +41 313234445
 Fax: +41 313222634
 Email: francois.pythoud@blw.admin.ch

**Latin America and
the Caribbean**

Mr Pedro BRANCANTE MACHADO
Secretary
Permanent Representation of Brazil to FAO
Via di Santa Maria dell'Anima 32
00186 Rome
Italy
Phone: +39 0668307576
Fax: +39 0668398802
Email: rebrafao@brafao.it

Sr Jorge CABRERA
Professor
University of Costa Rica/ INBio
PO Box: 317-3015
San Rafael de Heredia
Costa Rica
Phone: +506 22677594
Email: jcabrera@cisdl.org;
jorgecmedaglia@hotmail.com

Near East

Ms Lamis CHALAK
Biotechnology and Plant Genetic Resources
Faculty of Agricultural Sciences
Lebanese University
Beirut
Lebanon
Phone: +961 3211855
Email: lamis.chalak@gmail.com

Mr Javad MOZAFARI HASHJIN
Head - National Plant Gene Bank
Seed and Plant Improvement Institute
(SPII)
Mahdasht Avenue
4119 Karaj
Islamic Republic of Iran
Phone: +98 2612701260
Fax: +98 2612716793
Email: jmozafar@yahoo.com

North America

Mr Brad FRALEIGH
Director, Multilateral S&T Relations
Agriculture and Agri-Food Canada
1341 Baseline Road, Tower 5-5, Room 133
Ottawa, Ontario
Canada K1A 0C6
Phone: +613-773-1838
Email: Brad.fraleigh@agr.gc.ca

Mr Oliver M. LEWIS
Attorney-Adviser
Office of the Legal Adviser (L/OES)
U.S. Department of State
2201 C Street NW, Suite 6420
Washington, DC 20520
United States of America
Phone: +202-647-1698
Email: LewisOM@state.gov

Southwest Pacific

Mr Brad SHERMAN
Professor
Deputy Head of School (Research)
Griffith Law School
Griffith University
Australia
Phone: +61-07- 373 53232
Email: b.sherman@griffith.edu.au

OBSERVERS**Convention on Biological Diversity (CBD)**

Ms Kathryn GARFORTH
Programme Officer - Nagoya Protocol Unit
Secretariat of the Convention on Biological
Diversity
United Nations Environment Programme
413 St. Jacques Street West, Suite 800
Montreal, QC, H2Y 1N9
Canada
Phone: +1 5142877030
Fax: +1 5142886588
Email: kathryn.garforth@cbd.int

**International Treaty on Plant Genetic Resources
for Food and Agriculture**

Mr Kent NNADOZIE
Senior Treaty Officer
International Treaty on Plant Genetic
Resources for Food and Agriculture
c/o Secretariat of the Convention on
Biological Diversity
413, Saint Jacques Street, suite 800
Montreal, QC., H2Y 1N9
Canada
Phone: +1 514 764 6359
Email: kent.nnadozie@fao.org

APPENDIX C

LIST OF DOCUMENTS

Working Documents

CGRFA/TTLE-ABS-1/14/1	Provisional agenda and time-table
CGRFA/TTLE-ABS-1/14/2 Rev.1	Access and benefit-sharing and forest genetic resources
CGRFA/TTLE-ABS-1/14/3	Plant genetic resources and access and benefit-sharing
CGRFA/TTLE-ABS-1/14/4	Preparation of <i>Draft Elements to Facilitate Domestic Implementation of Access and Benefit-Sharing for Different Subsectors of Genetic Resources for Food and Agriculture</i>

Information Documents

CGRFA/TTLE-ABS-1/14/Inf.1	Members of the Team of Technical and Legal Experts on Access and Benefit-Sharing
CGRFA/TTLE-ABS-1/14/Inf.2	Government submissions on conditions under which specific genetic resources for food and agriculture are exchanged and utilized
CGRFA/TTLE-ABS-1/14/Inf.3 Rev.1	Submissions of Stakeholders on voluntary codes of conduct, guidelines and best practices and/or standards in relation to access and benefit-sharing for all subsectors of genetic resources for food and agriculture
CGRFA/TTLE-ABS-1/14/Inf.4	Explanatory notes to the distinctive features of genetic resources for food and agriculture
CGRFA/TTLE-ABS-1/14/Inf.5 Rev.1	International practices, initiatives and instruments of relevance to the subsectors of genetic resources for food and agriculture
CGRFA/TTLE-ABS-1/14/Inf.6	List of documents

Background Study Papers

Background Study Paper No.42	Framework study on food security and Access and Benefit-Sharing for genetic resources for food and agriculture
Background Study Paper No.43	The use and exchange of animal genetic resources for food and agriculture
Background Study Paper No.44	The use and exchange of forest genetic resources for food and agriculture

Background Study Paper No.45	The use and exchange of aquatic genetic resources for food and agriculture
Background Study Paper No.46	The use and exchange of microbial genetic resources for food agriculture
Background Study Paper No.47	The use and exchange of biological control agents for food and agriculture
Background Study Paper No.48	The impact of climate change on countries' interdependence on genetic resources for food and agriculture
Background Study Paper No.59	Access and benefit-sharing for genetic resources for food and agriculture – Current use and exchange practices, commonalities, differences and user community needs